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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,953	03/26/2004	Herman Van Mellaert	1021565-000155	2781
	7590 04/20/200 INGERSOLL & ROO	EXAMINER		
POST OFFICE BOX 1404			KUBELIK, ANNE R	
ALEXANDRIA, VA 22313-1404		•	ART UNIT	PAPER NUMBER
			1638	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	· DELIVERY MODE	
3 MO	NTHS	04/20/2007	PAPER	

. Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)			
	10/809,953	VAN MELLAERT ET AL.			
Office Action Summary	Examiner	Art Unit			
	Anne R. Kubelik	1638			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REP WHICHEVER IS LONGER, FROM THE MAILING I Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory perior. Failure to reply within the set or extended period for reply will, by statu. Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION 1.136(a). In no event, however, may a reply be tind d will apply and will expire SIX (6) MONTHS from the, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 19	<u>March 2007</u> .				
2a) This action is FINAL . 2b) ⊠ Th	is action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims	•				
4) ⊠ Claim(s) <u>20-23,25 and 27-33</u> is/are pending if 4a) Of the above claim(s) <u>20,23 and 28-31</u> is/5) ☐ Claim(s) is/are allowed. 6) ⊠ Claim(s) <u>22, 25, 27, 32-22</u> is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/	are withdrawn from consideration.				
Application Papers					
9) The specification is objected to by the Examir 10) The drawing(s) filed on is/are: a) acceptant may not request that any objection to the Replacement drawing sheet(s) including the correction of the sheet	ccepted or b) objected to by the le drawing(s) be held in abeyance. Section is required if the drawing(s) is objection	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s)					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Do 5) Notice of Informal F 6) Other:	ate			

DETAILED ACTION

1. Claims 20, 22-23, and 25-33 are pending.

Claims 20, 23 and 28-31 are withdrawn from consideration, as being drawn to a non-elected invention.

- 2. The finality of the Office action mailed 18 October 2006 is WITHDRAWN and a new rejection applied.
- 3. This application contains claims 20, 23 and 28-31 are drawn to an invention nonelected with traverse in the response filed 17 November 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144). See MPEP § 821.01.
- 4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 5. The rejection of claims 21, 24 and 26 under 35 U.S.C. 101 as claiming the same invention as that of claims 1 and 3-4 of prior U.S. Patent No. 6,855,873 is withdrawn in light of their cancellation.

Claim Rejections - 35 USC § 112

6. Claims 22, 25, 27 and 32-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Art Unit: 1638

Neither the instant specification nor the originally filed claims appear to provide support for the phrase "wherein a TTG start codon has been replaced by an ATG start codon" in claim 22. The specification on pg 29, in the second paragraph from the bottom, only discusses replacement of ATATTGA with ACCATGG, thus also changing the first nucleotide of the next codon. The general concept of replacing the TTG start codon with an ATG codon is not discussed.

Thus, such a phrase constitutes NEW MATTER. In response to this rejection, Applicant is required to point to support for the phrase or to cancel the new matter.

Conclusion

- 7. No claim is allowed.
- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne R. Kubelik, whose telephone number is (571) 272-0801. The examiner can normally be reached Monday through Friday, 8:30 am 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg, can be reached at (571) 272-0975.

The central fax number for official correspondence is (571) 273-8300.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Anne Kubelik, Ph.D. April 11, 2007

> ANNE KUBELIK, PH.D. PRIMARY EXAMINER